



H.R. 3004 – Kate’s Law (Rep. Goodlatte, R-VA)

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FLOOR SCHEDULE:

Expected to be considered on June 29, 2017 under a closed [rule](#).

TOPLINE SUMMARY:

[H.R. 3004](#) would impose enhanced criminal penalties for illegal aliens with serious criminal records that have been convicted of illegal entry and subsequently return to the United States.

COST:

The Congressional Budget Office (CBO) estimate is not yet available.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3004 requires any alien that has been denied entry or has been removed and subsequently attempts to reenter the United States to be fined and/or imprisoned for not more than two years.

Penalties for offenses occurring prior to illegal reentry include:

- Maximum 10-year sentence for criminal aliens who have been convicted of three or more misdemeanors or a felony prior to reentry.
- Maximum 15-year sentence for criminal aliens who have been convicted of a felony and sentenced to at least 30 months.
- Maximum 20-year sentence for criminal aliens who have been convicted of a felony and sentenced to at least 60 months.
- Maximum 25-year sentence for criminal aliens who have been convicted of crimes including rape, murder, terrorism or kidnapping, or for those who have three or more felonies of any kind.
- Maximum 10-year sentence for any alien who has been denied admission or removed three or more times and then reenters, or attempts to reenter the United States.

This legislation would also provide an affirmative defense to aliens who have been denied entry to the United States and have been removed if they have complied with the laws and regulations pertaining to entry. The affirmative defense would be available if, prior to the violation, the alien: (1) sought and obtained consent from the Secretary of Homeland Security to apply for readmission to the United States; or,

(2) for aliens removed, the alien was not required to obtain advance consent and had complied with all other laws pertaining to admission.

In criminal proceedings, aliens would not be permitted to challenge the validity of their removal prior to the issuance of any order. Any alien that reenters or attempted to reenter the United States and has an incomplete prison term, would be required to serve out the remainder of their sentence.

This legislation stems from the murder of [Kate Steinle](#) in San Francisco. The perpetrator of the murder had been convicted of numerous felonies and had been deported five times.

A section-by-section can be found [here](#).

COMMITTEE ACTION:

H.R. 3004 was introduced on June 22, 2017 and was referred the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy can be found [here](#).

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Clause 4 of Section 8 of Article I--The Congress shall have the Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

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